

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VALASSIS COMMUNICATIONS, INC.,

Plaintiff,

Case No. 2:06-cv-10240

v.

Hon. Sean F. Cox

NEWS AMERICA INCORPORATED, a/k/a NEWS
AMERICA MARKETING GROUP, NEWS AMERICA
MARKETING FSI, INC. a/k/a NEWS AMERICA
MARKETING FSI, LLC and NEWS AMERICA
MARKETING IN-STORE SERVICES, INC.
a/k/a NEWS AMERICA MARKETING
IN-STORE SERVICES, LLC,

Defendants.

**MOTION TO EXCLUDE BAMBERGER
TESTIMONY PURSUANT TO FED. R. EVID. 702**

Defendants, by and through their counsel, file this Motion, pursuant to Fed. R. Evid. 702, to exclude from evidence the testimony (including the damages estimate) of Gustavo Bamberger, Ph.D., at the trial in this case.

This motion is further supported by Defendants' Brief in Support.

Pursuant to LR 7.1(a), Counsel sought, but was unable to obtain the concurrence of opposing counsel in the relief sought in this Motion.

Wherefore, Defendants request that this Court grant Defendants' Motion to Exclude the Testimony of Gustavo Bamberger, Ph.D.

HONIGMAN MILLER SCHWARTZ AND COHN LLP
Attorneys for Defendants

/s/ Lara Fetsco Phillip _____

Herschel P. Fink (P13427)
David A. Ettinger (P26537)
Lara Fetsco Phillip (P67353)
Honigman, Miller, Schwartz and Cohn LLP
2290 First National Building
Detroit, Michigan 48226
(313) 465-7368

CONSTANTINE CANNON LLP

Jeffrey I. Shinder
Ankur Kappor
450 Lexington Avenue, 17th Floor
New York, NY 10017
(212) 350-2700

HOGAN & HARTSON LLP

Richard L. Stone
1999 Avenue of the Stars, Suite 1400
Los Angeles, CA 90067
(310) 785-7368

*Attorneys for Defendants News America Incorporated a/k/a
News America Marketing Group, News America Marketing
FSI, Inc. a/k/a News America Marketing FSI, LLC and News
America Marketing In-Store Services, Inc. a/k/a News America
Marketing In-Store Services, LLC*

Dated: February 27, 2009

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2009, I electronically filed the foregoing paper(s) with the Clerk of the Court using the ECF system, which will send notification of such filing to the following: Kerin E. Coughlin, Gregory L. Curtner, Lara Fetsco Phillip, Raymond C. Fay, Herschel P. Fink, Julie L. Kosovec, David S. Mendelson, A. Michael Palizzi, Marcy L. Rosen, Kimberly L. Scott, Jeffrey I. Shinder, Brian D. Wassom, Carl H. von Ende and Robert J. Wierenga.

/s/ Lara Fetsco Phillip

Herschel P. Fink (P13427)
David A. Ettinger (P26537)
Lara Fetsco Phillip (P67353)
Honigman, Miller, Schwartz and Cohn LLP
2290 First National Building
660 Woodward Avenue
Detroit, Michigan 48226
(313) 465-7368
hfink@honigman.com
dettinger@honigman.com
lara.phillip@honigman.com

DETROIT.3481994.3